

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE

United States of America

v.

Criminal No. 06-cr-046-01-SM

Rayner Herrera

O R D E R

Defendant appeared for a bail revocation hearing pursuant to 18 U.S.C. § 3148.

I find that the government has sustained its burden of establishing that defendant violated bail by committing a state crime. While the complainant is now disavowing her statement the disavowal is not credible. In her own handwriting with an interpreter and police officer as witness, she wrote that defendant grabbed her by the neck, hit her with his fist, threw her to the ground and with his knee on her chest hit her in the face. She is 5' ½", 110 pounds. He is at least 60 pounds heavier. I find that the defendant violated his bail conditions. The conditions of release are revoked.

Accordingly, it is **ORDERED** that the defendant be detained pending trial.

The defendant is committed to the custody of the Attorney General or his designated representative for confinement in a

corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the government, the person in charge of the corrections facility shall deliver the defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

SO ORDERED.


James R. Muirhead
United States Magistrate Judge

Date: March 26, 2007

cc: Alfred J.T. Rubega, Esq.
R. Brian Snow, Esq.
U.S. Marshal
U.S. Probation